



EPSTEIN DRANGEL LLP

60 East 42nd Street, Suite 1250, New York, NY 10165
T: 212.292.5390 • E: mail@ipcounselors.com
www.ipcounselors.com

August 21, 2023

VIA E-MAIL

Hon. Arun Subramanian
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, New York 10007

**Re: *The Pinkfong Company, Inc. v. ADS-SS, et al.*
Case No. 23-cv-3793 (AS)
Letter in Response to August 10, 2023 Order**

Dear Judge Subramanian,

We represent The Pinkfong Company, Inc. (“Plaintiff”), in the above-referenced matter (the “Action”).¹ On August 10, 2023, the Court entered an Order directing Plaintiff to file a letter addressing (1) whether Plaintiff has settled or otherwise terminated its claims against any remaining Defendants, other than Defendant MYRISAM, (2) whether there have been communications with any remaining Defendants, other than Defendant MYRISAM, and (3) whether Plaintiff intends to move for default judgment or otherwise dismiss its claims against any remaining Defendants, other than Defendant MYRISAM (“August 10, 2023 Order”). Accordingly, Plaintiff respectfully submits the instant letter.

Plaintiff has reached a settlement with Defendant MYRISAM and has accordingly filed a Notice of Voluntary Dismissal. (Dkt. 30). As to the Defendants remaining in the Action (“Remaining Defendants”), Plaintiff has not settled or otherwise terminated its claims against any Remaining Defendants, however, Plaintiff is currently engaging in productive settlement negotiations with several Remaining Defendants. There is an existing deadline for Plaintiff to file its motion for default judgment against the Remaining Defendants by no later than August 24, 2023. (Dkt. 26). In light of the fact that Plaintiff is engaging in productive settlement discussions with several Remaining Defendants, Plaintiff respectfully requests an extension of time to file its motion for default judgment against the Remaining Defendants by no later than October 6, 2023. In accordance with Your Honor’s Individual Rules of Practice, Plaintiff respectfully submits the following:

1. **Original Deadline:** August 24, 2023
2. **The number of previous requests for adjournment or extension:** None, this is the first request for an extension of time to file Plaintiff’s motion for default judgment.

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in Plaintiff’s Complaint or Application.

Hon. Arun Subramanian

August 21, 2023

Page 2

3. **Whether these previous requests were granted or denied:** N/A
4. **The reason for the requested extension:** Plaintiff respectfully requests an extension of time to file its motion for default judgment against the Remaining Defendants because, in addition to continuing settlement discussions with several Remaining Defendants, Plaintiff recently discovered that most, if not all, of the Remaining Defendants are still listing Counterfeit Products on Amazon in direct violation of the temporary restraining order (“TRO”) (Dkt. 4) and preliminary injunction order (“PI Order”). Plaintiff’s counsel requested that Amazon cease providing the services necessary for the Remaining Defendants to continue to sell Counterfeit Products in violation of the PI Order and provide Plaintiff with updated expedited discovery in accordance with the TRO and PI Order. Plaintiff was advised by Amazon that it would need some time to investigate the Defendants’ continued listing of Counterfeit Products and to provide Plaintiff with the updated expedited discovery. Accordingly, Plaintiff respectfully requests an extension of time to allow Amazon to do so.
5. **Whether the adversary consents:** All of the Remaining Defendants are currently in default, thus Plaintiff did not seek their consent.
6. **The date of the parties’ next scheduled appearance before the Court as well as any other existing deadlines:** Now that Defendant MYRISAM has been voluntarily dismissed, there are no other scheduled appearances and/or existing deadlines other than the deadline for Plaintiff to file its motion for default judgment referenced herein.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

EPSTEIN DRANGEL LLP

BY: /s/ Gabriela N. Nastasi

Gabriela N. Nastasi

gnastasi@ipcounselors.com

60 East 42nd Street, Suite 1250

New York, NY 10165

Telephone: (212) 292-5390

Facsimile: (212) 292-5391

Attorneys for Plaintiff

The Pinkfong Company, Inc.

Plaintiff's request is GRANTED. Plaintiff's deadline to move for default judgment against the remaining defendants is extended until October 6, 2023.

The Clerk of Court is directed to terminate the motion at ECF No. 31.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: August 22, 2023